



2005 SENATE BILL 646

March 1, 2006 - Introduced by Senator A. LASEE, cosponsored by Representatives OTT, BIES and ZIEGELBAUER. Referred to Committee on Natural Resources and Transportation.

1 **AN ACT** *to amend* 281.75 (11) (a) 8.; and *to create* 281.75 (2) (e), 281.75 (7) (c)
2 7., 281.75 (11) (ae) and 281.75 (11m) of the statutes; **relating to:** compensation
3 for certain wells contaminated by bacteria.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR) administers a program that provides compensation to persons with contaminated wells. A person with a family income of not more than \$65,000 may be eligible for the program. The program generally pays 75 percent of eligible costs with a maximum award of \$9,000. Eligible costs include the costs of treating the well water or of constructing a new well or obtaining clean water from another source. Under current law, a person whose residential well is contaminated by bacteria and no other contaminant is not eligible for compensation under the program.

This bill authorizes DNR to declare an area of special eligibility for compensation for well contamination if laboratory results show that wells in the area are contaminated by fecal bacteria and evidence demonstrates that the bacterial contamination is caused by livestock. A person whose residential well is contaminated by bacteria and is in an area of special eligibility for compensation for well contamination may be eligible for compensation under the well compensation program. If DNR determines that the person has any other wells on his or her property that had been improperly abandoned, the person must properly abandon those wells to be eligible for compensation.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 281.75 (2) (e) of the statutes is created to read:

2 281.75 (2) (e) Declare an area of special eligibility for compensation for well
3 contamination, based on contamination reported after December 31, 2005, if all of
4 the following criteria are satisfied:

5 1. Results of tests performed by a laboratory certified under s. 299.11 establish
6 that wells in the area are contaminated by fecal bacteria.

7 2. Evidence demonstrates that the bacterial contamination is caused by
8 livestock.

9 **SECTION 2.** 281.75 (7) (c) 7. of the statutes is created to read:

10 281.75 (7) (c) 7. If the contaminated water supply is eligible under sub. (11) (ae),
11 the cost of properly abandoning any improperly abandoned private water supply
12 located on the property owned or leased by the claimant.

13 **SECTION 3.** 281.75 (11) (a) 8. of the statutes is amended to read:

14 281.75 (11) (a) 8. A residential water supply is contaminated by bacteria or
15 nitrates or both and is not contaminated by any other substance, except as provided
16 in par. (ae).

17 **SECTION 4.** 281.75 (11) (ae) of the statutes is created to read:

18 281.75 (11) (ae) BACTERIAL CONTAMINATION. Paragraph (a) 8. does not apply to
19 a residential well that is contaminated by bacteria and is in an area of special
20 eligibility for compensation for well contamination as declared by the department
21 under sub. (2) (e).

